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SENATE BILL NO. 415

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Phillips
on February 27, 2008)

(Patron Prior to Substitute—Senator Puckett)

A *BILL to amend and reenact § 15.2-4904 of the Code of Virginia, relating to the Industrial Development and Revenue Bond Act.*

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-4904 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council, however, the town council may at its option return to a seven member board by removing the last three members appointed, the board of supervisors of Russell County may appoint nine members, two of whom shall come from a town that has used its borrowing capacity to borrow \$2 million or more for industrial development, with terms staggered as agreed upon by the board of supervisors and the town council of the Town of South Boston shall appoint two at-large members, Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one at-large, with terms staggered as agreed upon by the board of supervisors, and Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority.

A member of the board of directors of the authority may be removed from office by the local governing body without limitation in the event that the board member is absent from any three consecutive meetings of the authority, or is absent from any four meetings of the authority within any 12-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

B. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

C. No director shall be an officer or employee of the locality except in towns under 3,500 people where members of the town governing body may serve as directors provided they do not comprise a majority of the board *and except in Buchanan County where a constitutional officer who has previously served on the board of directors may serve as a director provided the governing body of such county approves.* Every director shall, at the time of his appointment and thereafter, reside in a locality within which the authority operates or in an adjoining locality. When a director ceases to be a resident of such locality, the director's office shall be vacant and a new director may be appointed for the remainder of the term.

D. The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed \$200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in

60 the performance of their duties.

61 E. Four members of the board of directors shall constitute a quorum of the board for the purposes of
62 conducting its business and exercising its powers and for all other purposes, except that no facilities
63 owned by the authority shall be leased or disposed of in any manner without a majority vote of the
64 members of the board of directors. No vacancy in the membership of the board shall impair the right of
65 a quorum to exercise all the powers and perform all the duties of the board.

66 F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection
67 at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140,
68 it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the
69 governing body of the locality and shall be open to public inspection.

70 Two copies of the report concerning issuance of bonds required to be filed with the United States
71 Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant
72 secretary of the authority. One copy shall be furnished to the governing body of the locality and the
73 other copy mailed to the Department of Business Assistance.